IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

-

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14819 of 2004

-

Between:

Chinnoji Srinivas, S/o Ramachandraiah,
Chandampet Village, Shankarampet (R) mandal,
Medak District

..... PETITIONER

AND

-

1 State of Andhra Pradesh rep.by its Secretary, Revenue

Department, Secretariat, Hyderabad.
2 Commissioner & Inspector of Registration & Stamps,

Hyderabad.
3 Sub Registrar, Ramayampet, Medak District.
4 Khatha Radha Bai, W/o Narasimhaiah,
R/o 3-12-33/B, Ganeshnagar, Ramanthapur, Uppal,

Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ specially Writ of Certiorarised mandamus calling for the records and set aside the Document NO.1073/2003 registered on the file of 3rd respondent registered on 17-7-2003 as contrary to provisions of Registration Act, 1908, without jurisdiction and violative of Art.14 constitution of India and further direct the respondents to issue suitable instructions to the concerned authorities under Registration Act for preventing unilateral registrations of cancellation Deeds of Sale Deeds by Sub Registrars under provisions of Registration Act, 1908

Counsel for the Petitioner: MR.L.PRABHAKAR REDDY

Counsel for Respondents 1 to 3: GP FOR REVENUE

Counsel for Respondent No.4: ---

The Court Made the Following ORDER:

In this writ petition the petitioner questions the action of the third respondent in registering the cancellation of sale deed executed in favour of the petitioner by a cancellation deed dated 16-7-2003.

Learned counsel for the petitioner has placed a reliance upon a judgment of this court in **K. Gopal Reddy Vs. Secretary and others** and contends that once sale deed was executed in favour of the petitioner, it cannot be canceled without his participating in cancellation deed as per Section 32(a) of the Registration Act 1908 (for short 'the Act') as amended by State of Andhra Pradesh.

Section 32 of the Act deals with prsentation of the documents by the persons for registration. Section 32(a) which was inserted by Act No.48/2001 deals with compulsory affixing of photographs etc. Proviso to 32(a) mandates that fingerprints of vendor and purchaser shall also be affixed to the document to present the same before proper registration office.

In the present case, it is not a sale deed, but it is a cancellation of sale deed executed earlier. According to Section 32(a) any person may present a document for registration, executing or claiming under the same. In the present case, the executant presented the document by affixing photograph and thumb impression. Whether the registration of cancellation deed by the third respondent is valid or not?

This court in **Property Association of Baptist Churches Vs. Sub-**

Registrar, Jangaon, Warangal held that the limited power of the registering officer to enquire into objections that the executing party had no right to execute document gets extinguished the moment the document is registered. No such power inheres in the registering officer or the District Registrar to cancel the sale deed, unless another document for cancellation is presented with proper stamp duty and registration charges. A party aggrieved by a registered document on conveyance has to file civil suit seeking appropriate declaration under Section 34 of the Specific Relief Act, read with Article 59 of the Schedule under the Limitation Act, 1963. The writ petition is not a proper remedy for cancellation of a cancellation deed.

In view of the same, the action of the fourth respondent in registering the cancellation deed cannot be the subject matter of judicial review. Hence, the present writ petition is not maintainable.

Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to avail appropriate remedies available under law. No costs.

A. Gopal Reddy, J.

20th August, 2004.

Js.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 State of Andhra Pradesh rep.by its Secretary, Revenue

Department, Secretariat, Hyderabad.
2 Commissioner & Inspector of Registration & Stamps,

Hyderabad.
3 Sub Registrar, Ramayampet, Medak District.

4 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

5 2 CD copies